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June 29, 2021

via CM/ECF Filing Only:

Hon. Karen M. Williams, U.S.M.J.
Mitchell H. Cohen Building
& U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

Re: Skelton v. NJ Department of Corrections, et al.
Civ. Dkt. No. 1:19-cv-18597-RMB-KMW

Dear Your Honor:

Our office represents the active Defendants in the above-referenced matter. We write to briefly address Plaintiffs' request for an additional 30 days to file substitution of counsel and an amended complaint. (Plaintiff's Response to Order to Show Cause, Dkt. No. 25).

Defendants submit that they oppose Plaintiffs' request to submit a new amended complaint after approximately eight months of inaction. See *L. Civ. R. 41.1*; see also *Azubuko v. Bell Nat. Org.*, 243 F. App'x 728, 729 (3d Cir. 2007) (affirming dismissal of case when party failed to file an amended complaint). Plaintiff's submission does not provide an adequate explanation or demonstrate good cause justifying such an extensive delay. Even accepting Plaintiff's counsel mis-calendared the deadline for an amended complaint, no explanation is provided as to the presumed months of inaction on this matter.

Defendants acknowledge that the Court's recent June 15, 2021 Order directs Plaintiff's counsel to show cause why this matter should not be dismissed, and does not direct Defendants to respond regarding dismissal. (Order to Show Cause, Dkt. No. 23). However,



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Defendants' position on this request was not requested by Plaintiff's counsel or conveyed to the Court. *See Rule I.C of this Court's Individual Rules and Procedures.*

Based on the above, Defendants respectfully submit that Plaintiffs' request should be denied. Should the Court nonetheless entertain Plaintiff's request, it should at least require a motion seeking leave to amend detailing the actions taken on this case since the October 30, 2020 order, and provide Defendants with an opportunity to formally oppose the request.

We thank the Court for its kind consideration of the within request.

Respectfully Submitted,

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ATTORNEY GENERAL OF NEW JERSEY

By: /s/Daniel S. Shehata
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By: /s/Michael Vomacka
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cc:

All counsel of record, via CM/ECF Filing